

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

April 29, 2002

Consolidated Edison Communications, Inc.
Request to Abandon Service

ORDER GRANTING
AUTHORITY TO ABANDON
SERVICE

Docket No. 2002-185

Con Edison Communications, LLC
Petition for Finding of Public Convenience
and Necessity to Provide Service as a
Telephone Utility

ORDER GRANTING
AUTHORITY TO
PROVIDE RESOLD LOCAL
EXCHANGE SERVICE,
FACILITIES-BASED
DEDICATED SERVICE AND
FACILITIES-BASED AND
RESOLD INTEREXCHANGE
SERVICE

Docket No. 2002-186

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

On March 20, 2002, Consolidated Edison Communications, Inc. (Consolidated) filed an application requesting the Commission to approve *nunc pro tunc* the transfer of its assets, including its operating authority, to Con Edison Communications, LLC (Con Ed). The transfer of assets actually took place on December 31, 2001. The Commission granted Consolidated authority in Docket No. 2000-866 to provide dedicated-only facilities-based local exchange service, resold local exchange service and both facilities-based and resold interexchange service. Con Ed is an affiliated interest of Consolidated and was formed for the purpose of taking over Consolidated's operations. Approval for the transfer of assets other than operating authority is not required. There is, however, no provision in Maine law for the transfer of operating authority. We consider this application as a request by Consolidated to abandon service and an application by Con Ed for a finding of public convenience and necessity to provide the same service now being provided by Consolidated. As a result of these two transactions, Consolidated's current authority to provide local exchange and interexchange telephone service will terminate and Con Ed will, in effect, take over its service.

Con Ed states that the service, rate schedules and terms and conditions of the successor entity, Con Ed, will be identical to those of the public utility that is abandoning service (Consolidated). In cases where a change such as the one before us has resulted in a change in rates or terms and conditions to existing customers, we have required the abandoning utility to provide notice to its customers. As this transaction will present no such change, we will not require notice.

By this order we grant authority to Con Edison to provide the same services as those formerly provided by Consolidated, subject to all provisions of the order that granted

that authority to Consolidated. Con Edison shall without delay file a proposed schedule of rates, terms and conditions reflecting the corporate and name change.

Wherefore, we

ORDER

1. That the request, pursuant to 35-A M.R.S.A. § 1104, by Consolidated Edison Communications, Inc. to abandon service is hereby granted;

2. That the petition, filed pursuant to 35-A M.R.S.A. § 2102, of Con Edison Communications, LLC for a finding of public convenience and necessity to provide facilities-based unswitched dedicated service, resold local exchange service and facilities-bases and resold interexchange service is hereby granted; Con Edison Communications, LLC shall be bound by and subject to all provisions, including the ordering paragraphs, of the order granting authority to Consolidated Edison Communications, Inc. in Docket Number 2000-866;

3. That Con Edison, LLC shall promptly file proposed rate schedules and terms and conditions that reflect the name change but that are otherwise identical to the existing schedules of Consolidated Edison Communications, Inc.; these schedules, terms and conditions may be approved by the Director of Technical Analysis.

Dated at Augusta, Maine this 26th day of April, 2002.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Diamond

COMMISSIONER ABSENT:

Nugent

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.